

REMARKS

In response to the above-identified Final Office Action, Applicant seeks reconsideration of the application. In this response, no claims are canceled, Claims 1, 10 and 19 have amended and Claims 26-29 have been added. Accordingly, Claims 1, 4-10, 13-29 are pending.

I. Claims 1, 4-8, 10, 13, 14, 16, 17 and 19 Rejected Under 35 U.S.C. 103(a)

In the Office Action, the Examiner rejects Claims 1, 4-8, 10, 13, 14, 16, 17 and 19 under 35 U.S.C. 103(a) as being unpatentable over Anderson ("Your Right to Now; Finding Leaks and Bottlenecks with a Windows NT Perform COM Object", Microsoft Corporation, January 1999) in view of Jouppi et al. (U.S. Patent No. 6,112,318). To the extent that the rejection applies to the amended claims, Applicant respectfully traverses this rejection.

To establish a prima facie case of obviousness, the cited references when combined must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination must be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicant respectfully submits that Claim 1 is not obvious over Anderson in view of Jouppi. Particularly, Applicant respectfully submits that neither Anderson nor Jouppi teaches or suggests allowing a user to select a subset of event from a performance object containing a plurality of events such that counters associated with events that are not selected from the performance object are not incremented, as recited in Claim 1.

As noted in the present patent application and as described in Anderson, the performance monitoring tools are configured such that counters are grouped into performance objects, wherein each object contain a number of counters. However, the performance monitoring tools, existing prior to the disclosure, such as the Windows NT PerfMon program described in Anderson, suffers from a number of disadvantages. For example, in the preexisting performance monitoring tools, all performance counters within "a performance object" are collected during the performance monitoring tool's periodic call to collect data. Consequently, if a "performance object" contains a number of performance counters, all performance within the performance object must be monitored even if information with regard to only one performance counter is needed. That means that, in the preexisting performance monitoring tools, all counter, including

counters that are associated with events that are not selected from the performance object, are incremented during a collection session.

In rejecting Claim 1, the Examiner asserts that the limitation “allowing a user to select a subset of events to be monitored during a collection session from said at least one object” is taught by Anderson, citing page 4, the paragraph with header “Important Counters”. The paragraph referred to in Anderson merely indicates that each object has multiple instances and counters and that it may be helpful to focus on the useful counters by selecting the counters using the “Add to Chart” dialog box (as shown in figure 2 of Anderson) so that the selected counters can be viewed using the PerfMon graph (as shown in figure 3 of Anderson). However, there is no indication in Anderson that only the selected counters of the selected objects are monitored during the collection session. In other words, although Anderson may allow a user to select counters for purposes of viewing the selected counters on the PerfMon graph, Anderson does not allow a user to select a subset of events from a performance object such that counters associated with events that are not selected from the performance object are not incremented. Accordingly, Applicant respectfully submits that the merely enabling a user to view or focus on one of more counters using the PerfMon graph (as shown in Figure 3 of Anderson) is not equal to allowing a user to select a subset of events to be monitored during a collection session from a performance object such that counters associated with events that are not selected from the performance object are not incremented, as recited by Applicant.

Analogous arguments to those above apply to independent Claims 10 and 19. More specifically, Applicant respectfully submits that neither Anderson nor Jouppi teaches or suggests configuring a collection session by allowing a user to selectively choose a subset of events to be monitored during a collection session from a performance object containing a list of events such that counters associated with events that are not selected from the performance object are not incremented during the collection session, as recited in amended Claim 10. As to amended Claim 19, Applicant respectfully submits that neither Anderson nor Jouppi teaches or suggests an application that is configured to enable a user to selectively choose a subset of events to be monitored during a collection session from a performance object containing a list of events such that counters associated with events that are not selected from the performance object are not incremented during the collection session, as recited by Applicant.

In view of the foregoing, Applicant respectfully submits that independent Claims 1, 10 and 19 are patentable over Anderson in view of Jouppi and requests withdrawal of the rejection of these claims. Regarding dependent Claims 4-8, 13, 14, 16 and 17, Applicant submits that these claims are not obvious in view of the cited references at least for the same reasons given in connection with their base Claims 1 and 10.

II. Claims 15 and 20-25 Rejected Under 35 U.S.C. 103(a)

Claims 15 and 20-25 are rejected under 35 U.S.C. 103(a) as unpatentable over Anderson in view of Jouppi and further in view of Safford ("A Framework for Using the Pentium's Performance Monitoring Hardware", University of Illinois, 1995). Applicant respectfully traverses this rejection.

As Claims 15 and 20-25 are dependent on independent Claims 10 and 19, the discussion above with regard to the independent Claims 10 and 19 and Anderson and Jouppi applies here. Because Anderson and Jouppi do not contain limitations recited in Applicant's independent Claims 10 and 19 as set forth above, and because Safford does not cure these deficiencies, the combination of Anderson, Jouppi, and Safford does not teach or suggest Applicant's dependent Claims 15 and 20-25. Accordingly, Applicant respectfully submits that Claims 15 and 20-25 are patentable over Anderson in view of Jouppi and further in view of Safford and requests withdrawal of the rejection of these claims.

III. New Claims

Applicant respectfully submits that the New Claims 26-29 are supported by the original disclosure. As to New Claims 26-29, Applicant incorporates its prior arguments with respect to their base Claims 1 and 19. At least for this reason, Applicant is of the opinion that New Claims 26-29 are allowable.

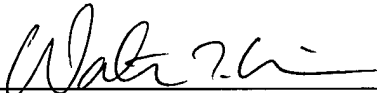
CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance, and such action is earnestly solicited at the earliest possible date. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

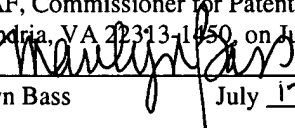
Dated: July 17, 2003

By: 
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail , with sufficient postage, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 17, 2003


Marilyn Bass

July 17, 2003